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Forum

A free exchange of ideas on the issues of the day

CIA bill: the need is now...

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In the past several years the intelligence activities of the U.S. government have been exposed to the light of public scrutiny to a degree never before witnessed in this or any other country.

Presidential commissions, congressional committees, judicial decisions, investigative reporters have all, at one time or another, given us a detailed glimpse of the day-to-day practices of our intelligence agencies.

To an unfortunate degree, some of these practices were found wanting — wanting in terms of their compatibility with American values, morals, laws, and constitutional precepts.

We have now, I believe, taken the painful but necessary steps to bring a halt to such practices and to insure that they do not occur again.

All of this has not taken place without rancor, divisiveness, and heated debate among our people and within the government.

Significantly, however, both sides of the debate have always proceeded on the unquestioned assumption that it is both necessary and proper for this country to possess a clandestine intelligence service.

An effective clandestine service is especially important to American interests in these troubled times. As recent events demonstrate, it is as vital to our security to possess some insight into the thought processes of seemingly obscure religious figures as it is to know the location of Soviet missile launchers. Technical systems which are purchased, quite properly, at significant cost to determine the latter are of little use in gleaning the former. In such areas, the nation must rely on our clandestine service.

The operating heart of any such service is the use of undercover agents and officers overseas to collect intelligence information. Obviously, if the names of these people are spread upon the public record, their usefulness is ended and the effectiveness of the clandestine service is diminished.

In the past few years, that is precisely what has been occurring. A small number of Americans, including some former intelligence agency employees, have been engaged in a systematic effort to destroy the ability of our intelligence agencies to collect information secretly by disclosing the names of overseas undercover intelligence agents. Not only are legitimate intelligence activities thwarted, but the careers of dedicated intelligence officers are disrupted, service morale is lowered, the taxpayer's money is wasted, and — perhaps most important — lives are directly placed in danger.

In my opinion and, I think, in the opinion of the overwhelming majority of the American people, unauthorized disclosure of the names of undercover intelligence agents is a pernicious act that serves no useful informing function whatsoever. It does not alert us to abuses; it does not further civil liberties; it does not bring clarity to issues of national policy; it does not enlighten public debate; and it does not contribute one iota to the goal of an educated and informed electorate.

Whatever the motives of those engaged in such activity, the only result is the complete disruption of our legitimate intelligence collection programs — programs that bear the unprimature of the Congress, the President, and the American people. Such a result, benefits no one but our adversaries.

Later this month legislation to combat such disclosures will be debated on the floor of the House of Representatives. Under consideration will be H.R. 5615. The Intelligence Identities Protection Act, a bill which has been reported favorably, after several days of hearings, by the House Permanent Select Committee on Intelligence, which I chair, and the House Judiciary Committee.

This bill would make it a crime to disclose any information that identifies covert United States intelligence agents. Different penalties and elements of proof are established depending on whether the defendant was a present or former government employee who acquired his information from authorized access to classified information, or whether the defendant derived the information disclosed from non-classified sources.

The publishers of the "COVER ACTION INFORMATION BULLETIN" and similar groups, contend that they fall into the latter category. They claim they can "discover" the identities of our undercover agents by diligently studying previously published diplomatic lists and biographical registers and comparing and collating the information contained therein with other publicly available information. Having had no access to classified information, they claim it is unconstitutional to prohibit their disclosures.

In recent days, many newspapers, while denouncing such articles, have also stated that the proposed legislation violates the First Amendment. I respectfully disagree. H.R. 5615 is a carefully crafted limited solution to an urgent or grave problem. It responds to an evil the government clearly has a right to prevent; it is narrow and precise in its scope so as to give notice of its prescriptions, and it